

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

OLURO OLUKAYODE,
individually and on behalf of all
others similarly situated,

Plaintiffs,

v.

UNITEDHEALTH GROUP,
OPTUM, INC. and
THE ADVISORY BOARD
COMPANY,

Defendants.

Civil Action No. 0:19-cv-01101
(DSD/HB)

**DECLARATION OF DAVID A.
JAMES IN SUPPORT OF
DEFENDANTS' MEMORANDUM OF
LAW IN SUPPORT OF MOTION
FOR SUMMARY JUDGMENT**

I, David A. James, declare under the penalty of perjury as follows:

1. I am an attorney with the law firm of Nilan Johnson Lew PA, located at 250 Marquette Avenue South, Suite 800, Minneapolis, Minnesota, and I submit this declaration in support of Defendants' Memorandum in Support of Motion for Summary Judgment.

2. Attached hereto as Exhibit A is a true and correct copy of the condensed deposition transcript of Daniel Clark taken on March 12, 2020, in the above-referenced matter.

3. Attached hereto as Exhibit B are true and correct copies of excerpts to the 30(b)(6) deposition transcript of Optum taken on October 26, 2020, in the above-referenced matter.

4. Attached hereto as Exhibit C is a true and correct copy of the condensed deposition transcript of Oluro Olukayode taken on August 15, 2019, in the above-referenced matter.

5. Attached hereto as Exhibit D are true and correct copies of excerpts to the deposition transcript of Lucasz Kamieniecki taken on September 9, 2020, in the above-referenced matter.

6. Attached hereto as Exhibit E is a true and correct copy of Oluro Olukayode's Responses to UnitedHealth Group's First Set of Interrogatories.

7. Attached hereto as Exhibit F is a true and correct copy of Oluro Olukayode's Independent Contractor Agreement dated January 7, 2016.

8. Attached hereto as Exhibit G are true and correct copies of Independent Contractor Agreements and Scopes of Work entered into by Oluro Olukayode during the period February 4, 2016 through March 20, 2017.

9. Attached hereto as Exhibit H is a true and correct copy of an IRS Form 1099 Plaintiff produced during discovery.

10. Attached hereto as Exhibit I is a true and correct copy of a report of Plaintiff's work in 2016 and 2017, which served as Exhibit 17 to Plaintiff's deposition.

11. Attached hereto as Exhibit J is a true and correct copy of the IRS test analysis bearing Bates Optum-Olukayode002799 as produced during discovery in the above-referenced matter.

12. Attached hereto as Exhibit K is a true and correct copy of an email exchange between Neil Richman and Lois Voelz bearing Bates Optum-Olukayode003002 as produced during discovery in the above-referenced matter.

13. Attached hereto as Exhibit L is a true and correct copy of the relevant pages of an Asset Purchase Agreement bearing Bates Optum-Olukayode002507 as produced during discovery in the above-referenced matter.

14. Attached hereto as Exhibit M is a true and correct copy of ABC's Follow Up Question Document bearing Bates Optum-Olukayode002803 as produced during discovery in the above-referenced matter.

15. Attached hereto as Exhibit N is a true and correct copy of Worker Status Questionnaire Template bearing Bates Optum-Olukayode001257 as produced during discovery in the above-referenced matter.

16. Attached hereto as Exhibit O is a true and correct copy of an October 2017 Email from Jacki Depew bearing Bates Optum-Olukayode0001245 as produced during discovery in the above-referenced matter.

17. Attached hereto as Exhibit P is a true and correct copy of a March 2017 Email from Jacki Depew bearing Bates Optum-Olukayode001287 as produced during discovery in the above-referenced matter.

18. Attached hereto as Exhibit Q is a true and correct copy a training on the contractor engagement process bearing Bates Optum-Olukayode001260 as produced during discovery in the above-referenced matter.

19. Attached hereto as Exhibit R is a true and correct copy of FLSA Training bearing Bates Optum-Olukayode001209 as produced during discovery in the above-referenced matter.

20. Attached hereto as Exhibit S is a true and correct copy of the Jackson Lewis law firm's review of an independent contractor agreement template bearing Bates Optum-Olukayode003009 as produced during discovery in the above-referenced matter.

21. Attached hereto as Exhibit T is a true and correct copy of Optum Inc.'s Supplemental Answers to Plaintiff's Second Set of Interrogatories and Second Request for Production of Documents.

22. Attached hereto as Exhibit U are true and correct copies of excerpts to the deposition transcript of Paschal Emelue taken on November 3, 2020, in the above-referenced matter.

23. Attached hereto as Exhibit V are true and correct copies of excerpts to the deposition transcript of Tamara Hutton taken on October 13, 2020, in the above-referenced matter.

24. Attached hereto as Exhibit W are true and correct copies of excerpts to the deposition transcript of Chiedu Ogbechie taken on October 30, 2020, in the above-referenced matter.

I declare under penalty of perjury of the laws of the United States of America that the foregoing is true and correct.

Dated: January 15, 2021

s/ David A. James

David A. James